

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Schofield

Application No.: 09/929582

Filed: 08/14/2001

Title: System and Apparatus for Photonic Switching

Attorney Docket No.: 13854BAUS 120-458

Group Art Unit: 2633

Examiner: Singh

**RECEIVED  
CENTRAL FAX CENTER****SEP 29 2004**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**RESPONSE TO RESTRICTION**

Dear Sir:

In response to the Restriction Requirement of the Office Action of July 7, 2004, Applicant hereby elects prosecution of invention as defined by Species I. However, Applicants submit that the species of claims identified by the Examiner are not as distinct as suggested. For example, the difference in the 'species' of Figures 2, 3 and 4 is that the in Figure 2, the 'new optical data streams are added through one set of combiners...' In Figure 4, 'new optical data streams are added through two sets of combiners' and in Figure 3 "new optical data stream are added through the photonic cross-connect switch..."

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Accordingly, the claims related to species I include claims 1-3, 5, 6-8, 10, 11-13 and 15-17. Claims 4, 9 and 14 are withdrawn. Should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

9/29/2004  
Date

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Docket No. 13854BAUS01U 120-458  
Dd: 08/07/2004